THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.4721 of 2004

DATED:17.08.2006

Between:

Mohd. Fidaulla Sharief

..Petitioner

And

Mandal Revenue Officer, Bahadurpura, Hyderabad. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.4721 of 2004

ORDER:

Though interlocutory matters are listed, the matter is heard and disposed of finally.

The petitioner allegedly purchased an extent of 444 square yards of land under registered document Nos.36/2003 and 37/2003. The property bearing house No.19-4-280B/47/2 is situated at Khaja Nagar, Meer Sagar, Hyderabad. He alleges that on 10.03.2004, the first respondent along with the staff came and demolished the outer wall of his premises on the allegation that the land is Government land. He contends that he has already approached the Government for allotment of the land under G.O.Ms.No.455, dated 29.07.2002, and therefore, the action of the first respondent is high-handed and arbitrary.

A counter-affidavit is filed by the Mandal Revenue Officer stating that the land in survey No.3/3P, corresponding to T.S.No.5, Block-C, Ward No.253 of Meersagar Village, is the Government poramboke land and that the petitioner has no right over the same. It is further stated that survey was undertaken in 1964-65 under the Andhra Pradesh Survey and Boundaries Act, 1923 (for short "the Act") and a preliminary notice was published under Section 6(1) of the Act inviting objections. No objections were received, and therefore, necessary entries were made in the town survey register in claim No.3, registering the land as 'Government poramboke land'. The official notification under Section 13 of the Act was also published in the District Gazette No.26, dated 12.05.1977. The possession of the petitioner, however, is not denied by the Mandal Revenue Officer.

A reply affidavit is filed by the petitioner asserting that an extent of 17,004 square meters of land was declared as surplus vacant land under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 ("ULC Act", for brevity) by the Special Officer-Competent Authority *vide* his proceedings, dated 27.10.1993, duly publishing the draft notification in A.P.Gazette No.38A, dated 22.09.1994. The petitioner, however, has not placed the two documents based on which such observation is made. In the absence of any material, this Court is not able to accept the same.

Be that as it may, Sri K.Jamali, learned counsel representing Sri Mohd.Zia-Ul-Haque, learned counsel for the petitioner, clearly submits

that even if the land is not covered under the provisions of the ULC Act, as the possession has not been denied by the respondents, the petitioner is entitled to seek regularization in accordance with G.O.Ms.No.1601, dated 29.08.2005. He placed before this Court a copy of G.O.Ms.No.674 Revenue (ASSN:I) Department, dated 08.06.2006, whereby and whereunder the Government extended the period for making applications for regularization under G.O.Ms.No.1601, dated 29.08.2005, till 30th September, 2006. This position is not denied by the learned Assistant Government Pleader for Revenue (Assignment).

As the petitioner is still in possession, it is always open to him to make an application on or before 30.09.2006 to the Government for regularization in accordance with G.O.Ms.No.1601, dated 29.08.2005. If the petitioner is eligible as per paragraph 12 thereof, his case shall be considered by the competent authority in accordance with the said G.O. Till then, there shall be status quo.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.08.2006
GJ